



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James Dillion

Docket No.: 5199-5

Serial No.: 10/650,357

Examiner: To Be Assigned

Filed: August 27, 2003

Group Art Unit: 3738

Title: **METHODS AND COMPOSITIONS FOR PROTECTING AGAINST
CATARACT DEVELOPMENT ASSOCIATED WITH VITRECTOMIES**

July 7, 2004

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED
UTILITY APPLICATION UNDER 37 C.F.R. §§ 1.137(b) and 1.137(g)**

Dear Sir/Madam:

Applicant hereby petitions the Commissioner to revive the above-identified provisional application under 37 C.F.R. §§ 1.137(b) and 1.137(g). The Commissioner is hereby authorized to charge Deposit Account No. 02-4270 for the Petition Fee of \$665.00, as set forth in 37 C.F.R. § 1.17(m).

The above application has gone abandoned due to the Applicant's unintentional failure to file a Response to the Notice to File Missing Parts of Nonprovisional Application mailed November 19, 2003. Enclosed herewith is a Response to the Notice of Missing Parts.

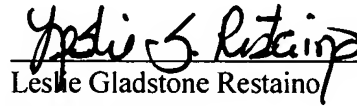
The entire delay in filing the required reply before the due date for the reply until the filing of this petition was unintentional.

07/12/2004 SSESHE1 00000167 024270 10650357

01 FC:2453 665.00 DA


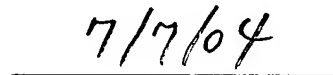
The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to our Deposit Account No. 02-4270.

Respectfully submitted,



Leslie Gladstone Restaino
Reg. No. 38,893
BROWN RAYSMAN MILLSTEIN FELDER
& STEINER LLP
163 Madison Avenue
P.O. Box 1989
Morristown, New Jersey 07962-1989
(973) 775-8930

I hereby certify that this correspondence, and the documents indicated as being attached hereto, are being deposited this date with the U.S. Postal Service as First Class Mail addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Ping Xiao
Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	James Dillon, et al.	Group Art Unit:	3738
Serial No.:	10/650,357	Examiner:	To be assigned
Filed:	August 27, 2003	Docket No.	5199-5
For:	METHODS AND COMPOSITIONS FOR PROTECTING AGAINST CATARACT DEVELOPMENT ASSOCIATED WITH VITRECTOMIES		

July 7, 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

**RESPONSE TO NOTICE TO FILE MISSING PARTS
AND REQUEST FOR FIVE (5) MONTH EXTENSION OF TIME**

Applicants are in receipt of the Notice to File Missing Parts of Nonprovisional Application (the "Notice"), mailed November 19, 2003, and hereby request a five (5) month extension of time for response. A copy of the Notice is enclosed.

In response to the notification that the oath or declaration is unsigned, applicants enclose declaration and power of attorney forms, which identify the application by application number and filing date, and have been executed by inventor James Dillon.

Authorization is hereby provided to charge \$1,070.00 (including \$65.00 for the late declaration surcharge and \$1,005.00 for the 5 month extension of time) to applicant's Deposit Account No. 02-4270. Authorization is hereby given to charge any additional fees that may be required to Deposit Account 02-4270.

In view of the foregoing, it is submitted that the application is complete.

Respectfully submitted,

By: Leslie G. Restaino
Leslie Gladstone Restaino
Reg. No. 38,893
Attorney for Applicants
BROWN RAYSMAN MILLSTEIN
FELDER & STEINER LLP
163 Madison Avenue
P.O. Box 1989
Morristown, New Jersey 07962-1989
973.775-8919

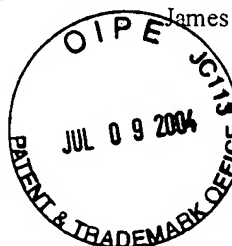


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/650,357	08/27/2003	James Dillon	5199-5

30551
 LESLIE GLADSTONE RESTAINO
 BROWN RAYSMAN MILLSTEIN & STEINER LLP
 55 MADISON AVENUE, 4TH FLOOR
 MORRISTOWN, NJ 07960



CONFIRMATION NO. 6693

FORMALITIES LETTER



OC000000011306509

Date Mailed: 11/19/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

07/12/2004 SSESHE1 00000168 024270 10650357

01 FC:2051 65.00 DA

T. W.
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**DECLARATION FOR PATENT APPLICATION
SOLE OR JOINT**

I, **James Dillon**, hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention titled:

METHODS AND COMPOSITIONS FOR PROTECTING AGAINST CATARACT DEVELOPMENT ASSOCIATED WITH VITRECTOMIES

the specification of which is attached hereto.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS.

I ACKNOWLEDGE THE DUTY TO DISCLOSE INFORMATION WHICH IS MATERIAL TO THE EXAMINATION OF THIS APPLICATION IN ACCORDANCE WITH TITLE 37, CODE OF FEDERAL REGULATIONS, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

Yes

☐

No

(Number)

(Country)

(Day/Month/Year Filed)

☐

Yes

☐

No

(Number)

(Country)

(Day/Month/Year Filed)

☐

Yes

☐

No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications listed below and, INsofar AS THE SUBJECT MATTER OF EACH OF THE CLAIMS OF THIS APPLICATION IS NOT DISCLOSED IN THE PRIOR UNITED STATES APPLICATION IN THE MANNER PROVIDED BY THE FIRST PARAGRAPH OF TITLE 35, UNITED STATES CODE, §112, I ACKNOWLEDGE THE DUTY TO DISCLOSE MATERIAL INFORMATION AS DEFINED IN TITLE 37, CODE OF FEDERAL REGULATIONS, §1.56(a) WHICH OCCURRED BETWEEN THE FILING DATE OF THE PRIOR APPLICATION AND THE NATIONAL OR PCT INTERNATIONAL FILING DATE OF THIS APPLICATION:

(Application Serial Number)

(Filing Date)

(STATUS: Patented, Pending, Abandoned)

(Application Serial Number)

(Filing Date)

(STATUS: Patented, Pending, Abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected herewith (List name and registration number).

(LIST SENIOR PATENT COUNSEL AND ATTORNEY HANDLING CASE WITH PATENT OFFICE REGISTRATION NUMBERS.)

Leslie Gladstone Restaino, Reg. No. 38,893

Seth H. Ostrow, Reg. No. 37,410

Matthew J. Marquardt, Reg. No. 40,997

Frederick Yu, Reg. No. 45,251

James W. Woods, Reg. No. 47,184

Robert L. Kovelman, Reg. No. 51,897

Frank J. DeRosa, Reg. No. 26,543

Pamela G. Maher, Reg. No. 40,712

Ivan Posey, Reg. No. 43,865

Monica Winghart, Reg. No. 46,790

Brooke W. Quist, Reg. No. 45,030

SEND CORRESPONDENCE TO:

Brown Raysman Millstein Felder & Steiner LLP

163 Madison Avenue, P.O. Box 1989

Morristown, New Jersey 07962-1989

DIRECT TELEPHONE CALLS TO:

Leslie Gladstone Restaino, Esq.

(973) 775-8930



Attorney Docket No. 5199-3

**DECLARATION FOR PATENT APPLICATION
SOLE OR JOINT**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

NAME OF SOLE OR FIRST INVENTOR:

DILLON, James

INVENTOR'S SIGNATURE**RESIDENCE**

New York, New York (County of New York)

CITIZENSHIP

United States of America

POST OFFICE ADDRESS

287 Bleecker Street

New York, New York ~~10039~~ 10014

United States of America

**NAME OF ADDITIONAL JOINT
INVENTOR, IF ANY:****INVENTOR'S SIGNATURE****RESIDENCE****CITIZENSHIP****POST OFFICE ADDRESS****NAME OF ADDITIONAL JOINT
INVENTOR, IF ANY:****INVENTOR'S SIGNATURE****RESIDENCE****CITIZENSHIP****POST OFFICE ADDRESS****NAME OF ADDITIONAL JOINT
INVENTOR, IF ANY:****INVENTOR'S SIGNATURE****RESIDENCE****CITIZENSHIP****POST OFFICE ADDRESS****NAME OF ADDITIONAL JOINT
INVENTOR, IF ANY:****INVENTOR'S SIGNATURE****RESIDENCE****CITIZENSHIP****POST OFFICE ADDRESS**